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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,656	09/30/2005	Akihiko Suzuki	MAT-8758US	4588
53473	7590	12/08/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER SMITH, BENJAMIN J	
			ART UNIT 2176	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/551,656

**Applicant(s)**

SUZUKI ET AL.

**Examiner**

Benjamin J. Smith

**Art Unit**

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Applicant's Response***

In Applicant's Response dated 5/26/2009, Applicant amended Claims 1-4, canceled claims 5-11, added Claim 12 and argued against all objections and rejections previously set forth in the Office Action dated 5/26/2009.

Claims 1-4 and 12 remain pending in the application, Claims 1 and 12 are independent claims.

Based on the cancellation of the claims, the objections to the claims previously set forth are withdrawn.

Based on the cancellation of the claims, the rejection of Claim 7 under 35 U.S.C. 101 previously set forth are withdrawn.

Based on the cancellation of the claims, the rejection of Claim 6 under 35 U.S.C. 112 previously set forth are withdrawn.

Based on the amendments to the claims, the prior art rejection of Claims 1-4 under 35 U.S.C. 102 and 103 previously set forth are withdrawn.

The examiner appreciates the applicant noting where the support for the amendments is located in the specification.

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

*"selected moving pictures of the plurality of moving pictures simultaneously"*

*"visually indicate locations of the selected moving pictures relative to each other"*

*"based on a time difference calculated by using the position information of the selected moving pictures".*

These elements of Claims 1 and 12 lack antecedent basis in the specification. The applicant's cited pages in the remarks, pages 39-41 do not disclose these elements, they are not found in another part of the original specification either.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

*"selected moving pictures of the plurality of moving pictures simultaneously"*

*"visually indicate locations of the selected moving pictures relative to each other"*

*"wherein the moving picture display unit displays the selected moving pictures which correspond to the present time, based on a time difference calculated by using the position information of the selected moving pictures"*

These elements of Claims 1 and 12 are not enabled in the specification. The applicant's cited pages in the remarks, pages 39-41 do not disclose these elements, they are not found in another part of the original specification either.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 12 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Claims 1 and 12 contain this element, which is in general, vague and confusing:

*"wherein the moving picture display unit displays the selected moving pictures which correspond to the present time, based on a time difference calculated by using the position information of the selected moving pictures"*

The omitted elements are:

The term "difference" in mathematics usually refers to a difference of two similar elements, i.e. money, time or weight, and an outcome or result. In the cited claim element it is not clear how the difference is derived and what outcome or result is that is used for the selection of "moving pictures". The elements of the claim are a "present time" and "position information", where "present time" is a time and "position information" is a geographical designation.

The claims should be further defined to clearly indicate how the "difference" is derived and then how the difference is used to select "moving pictures".

The examiner would suggest amending the claims to more clearly define how the selection is affected by the time, exactly what variables or items are used to calculate the time difference, how the variables or items are used to calculate the time difference, and how a video is selected based on these variables.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Wakimoto in view of Prijatel et. al US Patent Publication No. 2002/0199189 (hereinafter, "Prijatel") and further in view of Furuyama et al. US Pat. No. 6,661,966 (hereinafter, "Furuyama").

#### **Claim 1:**

Wakimoto teaches:

*A moving picture display device [abstract] comprising: a moving picture storage unit for storing a plurality of moving pictures [paragraph 0153 and fig. 1] having*

*respective position information as attribute values* [paragraph 0305 and fig. 19] ["scene of bldg. a" is position information as well as the latitude and longitude] [Examiner Interpretation: The examiner has interpreted the "position information" to be geographical position information which is more narrow than the claim stats, another interpretation of "position information" might be video position information, or time position of the video for recording and playback], *the plurality of moving pictures corresponding to a plurality of regions and times* [paragraphs 0304-0305 and fig. 18] [regions with geographical information and times, or video frame time],

*a moving picture display unit for displaying selected moving pictures of the plurality of moving pictures simultaneously* [paragraph 0014 and figs. 15, 19 and 39] [the video play back window contains a plurality of moving pictures simultaneously, "No. 1" and No. 2" or "airport" and railroad"], *and*

...

*wherein the moving picture display unit displays the position information corresponding to the selected moving pictures, to visually indicate locations of the selected moving pictures relative to each other, when displaying the selected moving pictures of the plurality of moving pictures* [paragraph 0014 and fig. 39 or paragraph 0305 and fig. 19] [in fig. 39 the position information displayed is the description of the frame or moving picture, e.g. "airport" or "railroad"; in fig. 19 the latitude, longitude and description are displayed along with the moving picture] [Examiners Interpretation: the Claim is not clear as to how the "moving picture" is displayed, it has been interpreted as only displaying an image of the "moving picture" but not actually playing the "moving

picture", latitude and longitude of each shot show their position "relative to each other"),  
*and*

Wakimoto fails to teach:

*a present time acquiring unit for acquiring a present time,*

...

*wherein the moving picture display unit displays the selected moving pictures  
which correspond to the present time, based on a time difference calculated by using  
the position information of the selected moving pictures.*

Prijatel teaches:

*a present time acquiring unit for acquiring a present time [paragraph 0015]*

*[determining a current time],*

*wherein the moving picture display unit displays the selected moving pictures  
which correspond to the present time [paragraph 0016] [combining promotional video  
content to a video based on the current time], ...*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of moving picture playback in Wakimoto with the method of incorporating additional moving pictures in Prijatel.

This combination would have been useful for inserting or adding moving pictures for personalizing the content in the moving pictures.

Wakimoto and Prijatel fail to teach:

*based on a time difference calculated by using the position information of the selected moving pictures*

Furuyama teaches:

*based on a time difference calculated by using the position information of the selected moving pictures* [col. 6, lines 28-45] [calculates the time difference base on the users change in time zone and then display difference on the video]

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of moving picture playback in Wakimoto and the method of incorporating additional moving pictures in Prijatel with the method of video playback in Furuyama.

This combination would have been useful for automatically updating the video time to reflect the user's current location.

**Claim 12:**

Wakimoto teaches:

*A computer readable medium including a program [paragraph 0153 and fig. 1]  
causing a computer to execute the steps of:*

*storing a plurality of moving pictures [abstract] having respective position  
information as attribute values [paragraph 0305 and fig. 19] ["scene of bldg. a" is  
position information as well as the latitude and longitude] [Examiner Interpretation: The  
examiner has interpreted the "position information" to be geographical position  
information which is more narrow than the claim stats, another interpretation of "position  
information" might be video position information, or time position of the video for  
recording and playback], the plurality of moving pictures corresponding to a plurality of  
regions and times [paragraphs 0304-0305 and fig. 18] [regions with geographical  
information and times, or video frame time],*

*displaying selected moving pictures of the plurality of moving pictures  
simultaneously [paragraph 0014 and figs. 15, 19 and 39] [the video play back window  
contains a plurality of moving pictures simultaneously, "No. 1" and No. 2" or "airport"  
and railroad"], and*

...

*wherein the displaying step includes a step for displaying the position information  
corresponding to the selected moving pictures, to visually indicate locations of the  
selected moving pictures relative to each other, when displaying the selected moving  
pictures of the plurality of moving pictures [paragraph 0014 and fig. 39 or paragraph  
0305 and fig. 19] [in fig. 39 the position information displayed is the description of the  
frame or moving picture, e.g. "airport" or "railroad"; in fig. 19 the latitude, longitude and*

description are displayed along with the moving picture] [Examiners Interpretation: the Claim is not clear as to how the "moving picture" is displayed, it has been interpreted as only displaying an image of the "moving picture" but not actually playing the "moving picture", latitude and longitude of each shot show their position "relative to each other"],  
*and*

Wakimoto fails to teach:

*acquiring a present time,*

...

*wherein the displaying step further includes a step for displaying the selected moving pictures which correspond to the present time, based on a time difference calculated using the position information of the selected moving pictures.*

Prijatel teaches:

*acquiring a present time [paragraph 0015] [determining a current time],*

*wherein the displaying step further includes a step for displaying the selected moving pictures which correspond to the present time [paragraph 0016] [combining promotional video content to a video based on the current time], ...*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of moving picture playback in Wakimoto with the method of incorporating additional moving pictures in Prijatel.

This combination would have been useful for inserting or adding moving pictures for personalizing the content in the moving pictures.

Wakimoto and Prijatel fail to teach:

*based on a time difference calculated using the position information of the selected moving pictures*

Furuyama teaches:

*based on a time difference calculated using the position information of the selected moving pictures* [col. 6, lines 28-45] [calculates the time difference base on the users change in time zone and then display difference on the video]

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of moving picture playback in Wakimoto and the method of incorporating additional moving pictures in Prijatel with the method of video playback in Furuyama.

This combination would have been useful for automatically updating the video time to reflect the user's current location.

**Claim 2:**

Wakimoto discloses: *The moving picture display device of claim 1, further comprising:*

*a map information storage unit for storing map information [paragraph 0303]  
[moving picture data stored]; and*

*a map display unit for displaying the map information [paragraph 0293 and fig. 17] [displayed in the map window],*

*wherein the moving picture display unit disposes and displays the selected moving pictures on the map information shown by the map display unit on the basis of the map information corresponding to the selected moving pictures [paragraph 0315]  
[map indicator may be symbols or sound or graphics].*

**Claim 3:**

Wakimoto discloses: *The moving picture display device of claim 1, wherein the moving picture display unit displays the selected moving pictures, and also displays the position relation of the selected moving pictures visually, on the basis of respective pieces of position information as attribute values of the selected moving pictures being displayed [paragraph 0305 and fig. 19] [an index list of moving pictures is displayed along with position information and they can be selected for playback] [Examiners Interpretation: the Claim is not clear as to how the "moving picture" is displayed, it has been interpreted as only displaying an image of the "moving picture" but not actually playing the "moving picture"].*

**Claim 4:**

Prijatel teaches:

*The moving picture display device of claim 1, further comprising: a world clock holding unit for holding a world time [paragraphs 0015 and 0033] [determining a current time, a station clock is a world clock and the time is acquired from there], wherein the moving picture display unit calculates the time difference based on the world clock holding unit when displaying the selected displays moving pictures which correspond to the present time [paragraph 0016] [combining promotional video content to a video based on the current time] [paragraphs 0042-0043] [determines time difference and incorporates video based on the difference].*

***Response to Arguments***

Applicant's arguments with respect to claim1-4 have been considered but are moot in view of the new ground(s) of rejection.

The examiner would suggest amending the claims to more clearly define how the selection is affected by the time, exactly what variables or items are used to calculate the time difference, how the variables or items are used to calculate the time difference, and how a video is selected based on these variables.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892 Notice of References Cited

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Smith whose telephone number is (571) 270-3825. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin J. Smith/  
Examiner, Art Unit 2176

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176